

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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**IN RE TERRORIST ATTACKS ON
SEPTEMBER 11, 2001**

**Civil Action No.
03 MDL 1570 (GBD)(SN)**

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This document relates to:

Burnett, et al v. The Islamic Republic of Iran, et al, Case No. 15-cv-9903 (GBD)(SN)

**NOTICE OF PLAINTIFFS' RENEWED EMERGENCY
MOTION TO SUBSTITUTE PARTIES PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE 15(d)**

Pursuant to Federal Rule of Civil Procedure 15(d), Plaintiffs herein move the Court to allow substitution of the parties as identified on Exhibit A to the Declaration of John M. Eubanks in the above-referenced action. The individuals being substituted fall into one of two categories: (1) they were identified as “DOE” plaintiffs at the commencement of this litigation (or at such time as they were added to this litigation pursuant to the Case Management Orders in effect) and have since consented to being named in the Complaint according to their legal name; or (2) their legal name has changed during the pendency of this litigation, and Plaintiffs seek to substitute their new legal name as an “also known as” or “a/k/a” for the previously named individual plaintiffs. The emergency nature of this motion arises from pending motions for default judgments pending on behalf of these various plaintiffs before the Court. *See* ECF Nos. 5669 and 5670. The Court—in two Orders issued on February 11, 2020 (*see* ECF Nos. 5910 and 5912)—provided Plaintiffs until February 13, 2020 to file Notices of Amendment for individuals who fall under category (1) above identifying them by name on the docket and to provide a letter “apprising this Court of the exact names under which each individual plaintiff is identified on the docket” for individuals who fall under category (2) above. This motion seeks to serve this purpose in correcting the record for both categories of individuals in advance of the February 19, 2020 deadline to submit their claims to the U.S. Victims of State Sponsored Terrorism Fund.

Exhibit A identifies each of the individual plaintiffs (or plaintiff names) to be substituted in the pleading according to the manner in which they were initially named in the Complaint and also identifies them according to how they wish to proceed going forward. At the outset of this litigation, those plaintiffs who appeared as “DOE” plaintiffs feared reprisals by defendants for engaging in litigation seeking justice against alleged intentional tortfeasors for their role in the terrorist attacks on September 11, 2001. Now, over 18 years after the attacks took place, these plaintiffs now wish to proceed without a pseudonym and in their legal names.

Accompanying this motion is the Declaration of John M. Eubanks which sets forth the details by which these individuals retained counsel and have been represented by counsel dating back well over a decade while also establishing their ability to seek the relief they are asserting as part of this litigation. The Eubanks Declaration also details how those individuals who requested to be named as “DOE” plaintiffs when they first initiated legal proceedings have now provided their consent in writing to counsel to proceed on their behalf using their names on the public docket.

Plaintiffs submit that filing this motion for substitution on behalf of a larger group of individuals rather than filing individualized, piecemeal, motions serves to support efficiency and comports with the purposes of the Federal Rules to “be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding.” *See* Fed. R. Civ. P. 1. Plaintiffs submit that by allowing this motion to proceed, the Court and plaintiffs can avoid the filing of separate individualized motions for substitution accompanied by individualized proposed orders for the Court’s signature.

Further, Plaintiffs propose that, upon endorsement of Plaintiffs’ Proposed Order, each substituted party would be individually entered as a Plaintiff into the Court’s ECF system to ease the burden on the Clerk of the Court’s Office based on the size of this MDL.

For the foregoing reasons, Plaintiffs submit that this motion should be granted, and the Court should permit each of the individuals named in Exhibit A to proceed according to their current legal names.

Dated: February 14, 2020

Respectfully submitted,

/s/ John M. Eubanks

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